

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

AUGUST 19, 2013

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

OPEN FORUM

Animal Control Assistance

Mrs. Diane Wojcik expressed her appreciation to Animal Control Officer Scott Goodwin and the volunteers at the Friends of the North Smithfield Animal Shelter for their recent assistance in locating a lost cat.

Out-of-State Motor Vehicles

Mrs. Claire O'Hara of 16 Summit Avenue spoke about the number of out-of-state motor vehicle licenses she is seeing in town. The town is losing much tax revenue and she would like to see some legislation that would allow for enforcement of the issue.

REGULAR MEETING

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mr. McGee, Mr. Yazbak, Mr. Zwolenski and Mr. Flaherty. Town Administrator Hamilton and Town Solicitor Lombardi were also in attendance.

EXECUTIVE SESSION

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to enter into executive session at 7:01

P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to collective bargaining or litigation to discuss a possible claim related to a proposed wastewater agreement with the City of Woonsocket.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to come out of executive session at 7:45 P.M. and to seal the minutes. No motions were made and no votes were taken.

Wastewater Agreement with City of Woonsocket

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to authorize Attorney Joseph Keough to respond to North Smithfield concerns and to contact the City of Woonsocket regarding negotiations.

COLLECTIVE BARGAINING AGREEMENT AMENDMENT WITH IBPO, LOCAL 410

This amends the existing agreement and memorializes the elimination of civilian dispatchers and allows for sworn officers to perform dispatching duties.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 1 on a roll call vote (Mr. Yazbak voted no) to accept the agreement amending

August 19, 2013

the collective bargaining agreement with the International Brotherhood of Police Officers, Local 410.

PURCHASE OF 40 ACRES FROM RAM INVESTMENT ASSOCIATES, LLC (DOWLING VILLAGE)

Attorney Richard Nadeau, Jr., representing the Town of North Smithfield in this matter, explained the proposed Purchase and Sales Agreements. There are two areas of land under discussion. Both are located on Assessor's Plat 21, Lot 418 with a total purchase price of \$925,000.

The purchase is subject to receipt by the town of a grant from the Rhode Island Department of Environmental Management to the Town and the North Smithfield Land Trust in an amount not less than \$400,000. Additionally, there are previously approved open space bond funds in an amount for not less than \$525,000 to be used for this purchase.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to direct Attorney Nadeau to continue negotiations with RAM Investment Associates, LLC regarding two Purchase and Sales Agreements for the two parcels; one for the amount of \$924,999.00 and the other for \$1.00. The Council also requests to see easements, the right-of-way, a map of the right-of-way

and appraisals.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and Mr. McGee, and voted unanimously on an aye vote to continue this matter to September 3, 2013.

PAYMENT FOR LAND APPRAISAL FEE

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to approve payment of \$2,250 to Keystone Consulting Group for the 2013 appraisal of Plat 21, Lot 418.

DV WIND LLC WIND ENERGY AGREEMENT

This proposed agreement concerns the building of a wind turbine on the 2.54 acres in Dowling Village noted above.

Attorney Richard Nadeau, Jr., representing the Town of North Smithfield in this matter, has spoken with Attorney Joseph White who represents DV Wind LLC. Mr. White has indicated that his client would not be willing to move forward unless the financial agreement remains at \$45,000 per year for years one through twelve. Also DV Wind wants the rent to be inclusive of taxes. Mr. Nadeau noted this would be a great loss to the town although state law does allow municipalities not to tax tangibles for alternate energy proposals.

Mr. Flaherty noted the wind turbine would help pay for the acquisition of the land.

Mr. Yazbak raised concerns about giving a tangible tax break noting that other companies have not been given a break.

It was noted there is another potential lessee who is not asking for a tax break.

Mr. Nadeau asked the Council members to review the agreement and make any changes.

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted unanimously on an aye vote to continue this to September 3, 2013.

SOLAR ENERGY PROPOSAL BY FRIENERGY

This proposal from FRIEnergy is to construct solar collectors and associated equipment on town-owned property on Pomona Street. The lease would be for a period of twenty years unless terminated sooner. Annual rent would be \$3,500 per usable acre and the town would receive tangible taxes.

Attorney Richard Nadeau, Jr. suggested a couple of amendments to the proposed agreement. He also stated there are deed restrictions on this particular lot, that should not have been included initially, that will need to be removed.

August 19, 2013

MOTION by Mr. Yazbak, seconded by Mr. McGee and Ms. Alves, and voted 4 to 1 on a roll call vote (Mr. Zwolenski voted no) to direct Mr. Nadeau to continue with this process by removing the deed restrictions.

MOTION by Mr. Zwolenski, seconded by Ms. Alves and Mr. McGee, and voted unanimously on an aye vote to continue this matter to October 7, 2013.

ORDINANCE AMENDMENT RE: CHICKEN HENS

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to continue this matter to September 3, 2013.

ORDINANCE AMENDMENT RE: SUBDIVISION STREETS

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on a roll call vote to approve the language as a second reading.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to adopt the following ordinance: “It is ordained by the Town Council of the Town of North Smithfield as follows: That the General Ordinance, Section 16-8, Subdivision streets and related public improvements acceptance shall be added to read as follows: Section 16-8. Subdivision streets and public

improvements acceptance. The Town Council may accept streets and related public improvements completed under the North Smithfield Land Development and Subdivision Regulations. The term “completed” shall mean approved as complete by the North Smithfield Planning Board.”

ORDINANCE AMENDMENT RE: INCREASE IN NUMBER OF BV LIQUOR LICENSES

Mr. McGee recused himself from this discussion as he is part owner of a restaurant that has a BV liquor license.

MOTION by Mr. Zwolenski to accept the amendments recommended by the Town Solicitor. There was no second.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote that the ordinance in the Council members’ packets be accepted as a second reading.

MOTION by Mr. Yazbak, seconded by Ms. Alves and Mr. Zwolenski, and voted 4 to 0 on a roll call vote that the following ordinance be adopted: “It is ordained by the Town Council of the Town of North Smithfield as follows: That the Code of Ordinances, Chapter 11, entitled Occupational Licenses and Regulations, be amended to add Section 11-7, “Limitation of Class BV Retail Alcoholic Beverage Licenses.” (a) Rhode Island General Laws Section 3-5-16 allows the Town to limit the number of liquor licenses issued. (b) The Town of

North Smithfield shall not issue more than 11 Class BV Retail Alcoholic Beverage Licenses. (c) This Ordinance shall take effect upon passage.”

CONSENT AGENDA

The minutes and the payment of bills was removed from the Consent Agenda.

MOTION by Mr. Yazbak, seconded by Ms. Alves and Mr. Zwolenski, and voted unanimously on an aye vote to accept: 1.) Monthly Financial Statements for July 2013; 2.) Conservation Commission Minutes for June 11, 2013; 3.) Animal Control Monthly Report for July 2013; 4.) NSF&RS Monthly Incident Report for July 2013; 5.) NS Police Department Monthly Activity Report for July 2013; and 6.) NS Municipal Court Monthly Activity Report for July 2013.

Minutes of July 15, 2013

Mr. Zwolenski corrected minutes on the third page referring to the Dowling Village wind turbine to read, “Mr. Zwolenski expressed his concern that he has not seen and is still waiting for documents such as the exhibits and the purchase and sales agreement.”

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to approve the correction to the minutes of July 15th.

August 19, 2013

Mr. Flaherty initially had a correction to make to the minutes of June 20th but accepted the Clerk's explanation and did not request an amendment.

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted unanimously on an aye vote to approve the minutes of June 20th and July 15th as amended.

Payment of Bills

Mr. Yazbak recused himself from this discussion as one of the vendors is a client.

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to approve payment of the following based upon the advice of the Town Administrator and the Finance Director: General Fund - \$464,673.88; Sewer - \$2,207.74; Water - \$6,956.87; School Department - \$1,498,072.00; and Fire Department - \$195,147.00 for a total of \$2,167,057.49.

APPOINTMENT TO REDEVELOPMENT AGENCY

There was no appointment.

APPOINTMENT TO PERSONNEL BOARD

There was no appointment.

APPOINTMENT OF CO-ORDINATOR FOR JUVENILE HEARING BOARD

There was no appointment.

USE OF HIGH SCHOOL/MIDDLE SCHOOL FOR PUBLIC HEARINGS

Superintendent of Schools Stephen Lindberg had submitted a memo regarding the Administrator's request to use either of these buildings for public meetings. After a review by School Facilities Manager Anthony Kopacz, Fire Marshal Brian Gartland, the Building Administrator, and the school department's security consultant, BeSafe, it was determined, "For the purpose of public safety and building safety and security: In order to have non-school related/sponsored events held in the North Smithfield High School Auditorium & North Smithfield Middle School Cafeteria {public meetings}, the event requestor shall be responsible for an assigned [by the school department] person/police officer. This would need to be for all such meetings including when the school department is operating a second shift as well as for after-hours events when there is no second shift and to include weekends."

Both Mr. Yazbak and Mr. McGee felt that Kendall-Dean could be fixed up.

LONGEVITY PAY FOR TOWN ADMINISTRATOR

Finance Director MacDonald had found information in the Charter as well as paperwork that indicates a former Town Administrator had been paid longevity. She asked that this be continued.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to continue this matter to September 3, 2013.

AGREEMENT FOR NATIONAL GRID “FIND YOUR FOUR” PROJECT

National Grid is sponsoring this program in an effort to promote energy efficiency measures as part of a Community Initiative offered through National Grid’s Energy Efficiency Program Plan for 2013.

Ms. Hamilton explained that if a certain number of residents sign up, the town could be eligible for a \$7,500 award to be used towards energy efficiency projects at a local public building.

MOTION by Mr. Zwolenski, seconded by Ms. Alves and Mr. Yazbak, and voted unanimously on a roll call vote to authorize the Town Administrator to sign the document.

TRANSFER OF FUNDING TO SCHOOL DEPARTMENT FOR MIDDLE SCHOOL SPORTS

Ms. Hamilton commented that she had received a letter from Mr. Lindberg regarding transfer of funding for the Middle School sports

program and she explained the process to obtain the funds. School

August 19, 2013

Committee Chairman Robert Lafleur had noted that the School Committee would be reinstating sports whether the funding comes through or not.

Ms. Hamilton will return with more information at the September 3rd meeting.

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to continue this to September 3, 2013.

PURCHASE OF COPIERS FOR THE MUNICIPAL ANNEX AND POLICE DEPARTMENT

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on a roll call vote to purchase from Core Business Technologies a copier for the Municipal Annex at a cost of \$10,858.00 and for the Police Department at a cost of \$5,995.00 based on the recommendations of the Finance Director and the Town Administrator and because these items have already been listed under capital purchases for this year.

Mrs. MacDonald noted that Core Business Technologies is on the approved state Master Price Agreement.

WATER BUDGET AND RATE FOR FISCAL YEAR 2014

There was additional information that Mr. Yazbak had been looking for that had not yet been provided so this matter was continued to September 3, 2013.

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to adjourn at 10:49 P.M.

(The digital recorder did not record this meeting.)

Respectfully submitted,

Debra A. Todd, Town Clerk